

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of GTE Corporation ("GTE") and Bell Atlantic Corporation ("Bell Atlantic") to Transfer Control of GTE's California Utility Subsidiaries to Bell Atlantic, Which Will Occur Indirectly as a Result of GTE's Merger With Bell Atlantic.

Application 98-12-005
(Filed December 2, 1998)

**OPINION GRANTING, IN PART, PETITION TO MODIFY DECISION 03-03-031
AWARDING INTERVENOR COMPENSATION TO GREENLINING INSTITUTE
AND LATINO ISSUES FORUM**

Decision (D.) 03-03-031 awarded Greenlining Institute and Latino Issues Forum (jointly, Greenlining) \$268,108.93 in compensation for substantial contributions to D.00-03-021. On April 21, 2003, Greenlining filed a Petition for Modification of D.03-03-031. Greenlining believes that its attorney and expert rates should be reconsidered in light of the rates awarded to attorneys for Disability Rights Advocates in D.03-01-075. This decision grants the petition, in part, and increases our prior award to Greenling by \$106,144.10.

While this petition was pending, D.03-10-061, in response to another Greenlining petition to modify, awarded new 1999 hourly rates to several of the advocates for whom Greenlining seeks modified rates in this proceeding. Likewise, D.03-10-062, in response to another petition to modify, awarded new 2001 and 2002 hourly rates to several of the advocates for whom Greenlining seeks modified rates in this proceeding. As a result, we modify the rates for the

following advocates, consistent with the rates awarded in D.03-10-061 and D.03-10-062 as follows:

<u>Attorneys</u>	<u>1999</u>	<u>2000</u>
Gnaizda	\$413	\$424 ¹
Brown	\$361	\$380 ²
Witteman	\$294	\$294
<u>Expert</u>	<u>1999</u>	
Gamboa	\$290	

D.03-10-061 and D.03-10-062 did not adopt rates for Greenlining expert Viola Gonzales or paralegal Jose Hernandez. Gonzales is a peer of Gamboa, with similar years of experience, therefore, we adopt the same rate (\$290) for Gonzales and Gamboa. We have again reviewed the background of Hernández and the rates awarded to other paralegals for work performed in the 1999 time period and make no changes to the previously adopted rate of \$75/hour. As described in D.03-03-031, the adopted rate is consistent with the rate that attorney Witteman billed for paralegal work he performed in this proceeding.

¹ The requested rate for 2000 for Gnaizda is halfway between the rate adopted for Gnaizda in D.03-10-061 for 1999 and D.03-10-062 for 2001 and is reasonable to utilize here.

² The petition to modify requests \$370.50/hour for Brown in 2000. D.03-10-061 and D.03-10-062 did not adopt an hourly rate for Brown for 2000. D.04-03-030 has subsequently adopted \$380/hour for Brown in 2000 and we utilize this rate here.

Based on the rates described above, the award to Greenlining should be \$374,253.03. The total award is detailed below.

Name	Year	Hours	Rate	Total
Gnaizda	1999	159.00	\$ 413.00	\$ 65,667.00
Gnaizda	2000	25.30	\$ 424.00	\$ 10,727.20
Brown	1999	375.50	\$ 361.00	\$135,555.50
Brown	2000	72.40	\$ 380.00	\$ 27,512.00
Witteman	1999-2000	317.40	\$ 294.00	\$ 93,315.60
Witteman	compensation	9.90	\$ 147.00	\$ 1,455.30
Gamboa	1999	63.45	\$ 290.00	\$ 18,400.50
Gonzales	1999	33.95	\$ 290.00	\$ 9,845.50
Hernández	1999	91.15	\$ 75.00	\$ 6,836.25
Costs				<u>\$ 4,938.18</u>
				\$374,253.03

Of this amount, \$268,108.93 has already been paid, resulting in an increased award of \$106,144.10. Verizon California, Inc. (the successor company to GTE Corporation and Bell Atlantic Corporation) shall pay the incremental award.

Consistent with previous Commission decisions, we order that interest be paid on the incremental award amount (calculated at the three-month commercial paper rate), commencing July 5, 2003 (the 75th day after Greenlining submitted the petition to modify), and continuing until full payment is made. As in all intervenor compensation decisions, we put Greenlining on notice that Commission staff may audit their records related to this award. Thus, they must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Records should identify specific issues for

which compensation is requested, the actual time spent by each employee, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation may be claimed.

Waiver of Comment Period

This is an intervenor compensation matter. Accordingly, as provided by Rule 77.7(f)(6) of our Rules of Practice and Procedure, we waive the otherwise applicable 30-day comment period for this decision.

Assignment of Proceeding

Susan P. Kennedy is the Assigned Commissioner and Burton W. Mattson is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. In response to other petitions to modify by Greenlining, new hourly rates were adopted for 1999 for Gnaizda, Brown, Witteman, and Gamboa.
2. Gonzales and Gamboa have similar years of experience.

Conclusions of Law

1. D.03-03-031 should be modified to reflect the attorney and expert rates as described herein.
2. Greenlining should be awarded \$374,253.03, an increase of \$106,144.10, for its contribution to D.00-03-021.
3. This order should be effective today so that Greenlining may be compensated without unnecessary delay.

O R D E R

IT IS ORDERED that:

1. The petition to modify Decision (D.) 03-03-031 by Greenlining Institute and Latino Issues Forum (Greenlining) is granted in part.
2. Greenlining is awarded an additional \$106,144.10, for its substantial contribution to D.00-03-021.
3. Verizon California, Inc. (Verizon) shall pay Greenlining an additional \$106,144.10 within 30 days of the effective date of this order. Verizon shall also pay interest on the award at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15, as appropriate, beginning July 5, 2003, and continuing until full payment is made.

This order is effective today.

Dated _____, at San Francisco, California.

Compensation Decision Summary Information

Compensation Decision:	D (modifies D0303031)
Contribution Decision(s):	D0003021
Proceeding(s):	A9812005
Author:	ALJ Mattson
Payer(s):	Verizon California, Inc.

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Greenlining Institute/Latino Issues Forum	5/5/00		\$106,144.10	No	Modification to prior award, increase in hourly rate

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Gnaizda	Attorney	Greenlining Institute/Latino Issues Forum	\$375	1999	\$413
Robert	Gnaizda	Attorney	Greenlining Institute/Latino Issues Forum	\$375	2000	\$424
Susan	Brown	Attorney	Greenlining Institute/Latino Issues Forum	\$275	1999	\$361
Susan	Brown	Attorney	Greenlining Institute/Latino Issues Forum	\$275	2000	\$380
Christopher	Wittelman	Attorney	Greenlining Institute/Latino Issues Forum	\$250	1999-2000	\$294
John	Gamboa	Policy Expert	Greenlining Institute/Latino Issues Forum	\$250	1999	\$290
Viola	Gonzales	Policy Expert	Greenlining Institute/Latino Issues Forum	\$250	1999	\$290
Jose	Hernández	Paralegal	Greenlining Institute/Latino Issues Forum	\$105	1999	\$75